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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/629,082 | 07/29/2003 | Akira Ogino | 09812.0353 | 5957 |

22852 7590 07/16/2007
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EXAMINER

FIELDS, COURTNEY D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2137

| MAIL DATE | DELIVERY MODE |
|-----------|---------------|
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/629,082

Applicant(s)

OGINO, AKIRA

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07 March 2007</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-9 have been amended.
2. Claims 1-9 are pending.

Information Disclosure Statement

3. The Information Disclosure Statement respectfully submitted on 07 March 2007 have been considered by the Examiner.

Response to Arguments

4. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection, Ishiguro (US Patent No. 7,216,368)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being obvious over Iwamura (US Patent No. 6,807,285) in view of Ishiguro (US Patent No. 7,216,368).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject

Art Unit: 2137

matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Referring to the rejection of claims 1, 4, and 9, Iwamura discloses a content distribution system, method, and terminal including a distribution server and a terminal device connected through a network, wherein said distribution server comprises:

embedding means for converting user identification information and a storage definition flag into watermark information through spreading modulation and embedding the watermark information in content, the user identification information uniquely assigned to said terminal device, the storage definition flag having a state previously set on said terminal device side (See Column 4, lines 66-67, Column 5, lines 1-4, 15-27)

encryption means for encrypting said content having said watermark information embedded therein (See Column 5, lines 21-27)

and transmitting means for transmitting said encrypted content, to said terminal device through said network, and said terminal device comprises:

reception means for receiving said content (See Column 5, lines 9-14)

extraction means for extracting said user identification information and said storage definition flag by from said watermark information embedded in said content (See Column 5, lines 48-61)

decryption means for decrypting said encrypted content depending on the existence of said user identification information (See Column 7, lines 54-60)

and storage means for storing said content having said watermark information embedded therein (See Column 7, lines 34-46)

However, Iwamura does not explicitly disclose judgment means for judging nor sending a notification or warning when content distribution is detected.

Ishiguro discloses an information processing apparatus for managing contents distributed over the Internet.

Ishiguro discloses judgment means for judging based on the state of said storage definition flag whether said content decrypted content should be encrypted before being stored (See Column 9, lines 43-67, Column 10, lines 1-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Iwamura's embedding method with Ishiguro's information processing apparatus for watermarking digital content. Motivation for such an implementation would enable different systems to exercise secure control over the copyrights for digital content by embedding watermarks (See Ishiguro, Column 1, lines 51-54)

Referring to the rejection of claims 2 and 5, (Iwamura as modified by Ishiguro) discloses the claimed limitation wherein a management server provided on said network

Art Unit: 2137

for sending a notification or warning to said terminal device when content distributed from said terminal device is detected and said user identification information is detected from the content (See Ishiguro, Column 20, lines 59-67, Column 21, lines 1-7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Iwamura's embedding method with Ishiguro's information processing apparatus for watermarking digital content. Motivation for such an implementation would enable different systems to exercise secure control over the copyrights for digital content by embedding watermarks (See Ishiguro, Column 1, lines 51-54)

Referring to the rejection of claims 3 and 6, (Iwamura as modified by Ishiguro) discloses the claimed limitation wherein the management server sends said notification or warning to said terminal device depending on whether said detected user identification information matches the user identification information uniquely assigned to said terminal device (See Iwamura, Column 7, lines 65-67 and Column 8, lines 1-4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Iwamura's embedding method with Ishiguro's information processing apparatus for watermarking digital content. Motivation for such an implementation would enable different systems to exercise secure control over the copyrights for digital content by embedding watermarks (See Ishiguro, Column 1, lines 51-54)

Referring to the rejection of claims 7 and 8, (Iwamura as modified by Ishiguro) discloses a content distribution method of a content distribution system including a

Art Unit: 2137

distribution server and a terminal device connected through a network, wherein: said distribution server executes steps including:

adding user identification information and a storage definition flag to content, the user identification information being uniquely assigned to said terminal device, the storage definition flag having a state previously set on said terminal device side (See Iwamura, Column 4, lines 66-67, Column 5, lines 1-4, 15-27)

encrypting said content having said user identification information and said storage definition flag added thereto (See Iwamura, Column 5, lines 21-27)

said terminal device executes steps including:

receiving said content (See Iwamura, Column 5, lines 9-14)

extracting said user identification information and said storage definition flag from said content (See Iwamura, Column 5, lines 48-61)

decrypting said encrypted content depending on the existence of said user identification information (See Iwamura, Column 7, lines 54-60)

judging, based on the validity of said user identification information whether said user identification information should be converted into watermark information through spreading modulation and then the watermark information should be embedded in said content (See Iwamura, Column 8, lines 5-15)

judging based on the state of said storage definition flag whether said decrypted content should be encrypted before being stored (See Ishiguro, Column 9, lines 43-67, Column 10, lines 1-3)

storing said content having said watermark information embedded therein (See Iwamura, Column 7, lines 34-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Iwamura's embedding method with Ishiguro's information processing apparatus for watermarking digital content. Motivation for such an implementation would enable different systems to exercise secure control over the copyrights for digital content by embedding watermarks (See Ishiguro, Column 1, lines 51-54)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CDF

cdf
July 8, 2007

Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137